

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Clinetta Hutcherson
on behalf of M.V.,

Case No. 3:18-cv-592

Plaintiff

v.

MEMORANDUM OPINION

Commissioner of Social Security,

Defendant

Before me is the Report and Recommendation of Magistrate Judge Thomas M. Parker filed on January 28, 2019, in the above-entitled action. (Doc. No. 16). Under the relevant statute:

Within [fourteen (14)] days after being served a copy of these proposed Findings and Recommendation, any party who wishes to object must file and serve written objections or further appeal is waived.

United States v. Campbell, 261 F.3d 628, 631-32 (6th Cir. 2001) (citation omitted); *see also* 28 U.S.C. § 636(b)(1) (effective Dec. 1, 2009); Fed. R. Civ. P. 72(b)(2). In this case, the fourteen-day period has elapsed, and the Commissioner indicates she will not be filing objections. (Doc. No. 17).

Following review of Judge Parker's Report and Recommendation, I adopt it in its entirety as the Order of the Court. When arriving at the decision, the Administrative Law Judge failed to apply proper legal standard, an error which was not harmless. Further, the decision was not supported by substantial evidence. Therefore, the Commissioner's decision is vacated, and the matter remanded for further proceedings.

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge